

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7703 of 1995

Between:

- 1 Seelam Sayanna, S/o. Eshwariah late,
R/o. 6-4-10, Jail Road, Secunderabad.
- 2 Seelam Venkataratnam, S/o. Eshwariah,
R/o. 6-4-10, Jail Road, Secunderabad.
- 3 Seelam Dasarath, S/o. Eshwariah,
R/o. 6-4-10, Jail Road, Secunderabad.
- 4 R. Upender Reddy, S/o. Govind Reddy, R/o. H.No. 13/a,
Bharani Colony, Sainikpuri, Secunderabad.
- 5 L. Krishna Kumar, S/o. Late Venkat Ram Reddy, R/o.H.No.
Plot No.796, Defence Colony, Sainikpuri, Secunderabad.

..... PETITIONER(S)

AND

- 1 The Government of Andhra Pradesh rep. by its
Secretary Home, Secretariat, Hyderabad.
- 2 The State through Inspector of P.S. Musheerabad, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondent No.2 for further investigation in the Crime No. 78/95 of P.S. Musheerabad, Hyderabad and not to summon the documents as the registration of the case itself is illegal, contrary and unknown to law.

For the Petitioners: MR. SHYAM SUNDER MURTHY, Advocate.

For the Respondents: GP FOR HOME

The Court made the following :

-

ORDER:

This writ petition has been filed seeking to declare the action of the second respondent-Inspector of Police, Musheerabad Police Station, Hyderabad in further investigating into the Crime No.78 of 1995 registered against the petitioners basing on the private complaint lodged by one Pitla Sudarshan, as illegal and contrary to law.

When the matter came up today, the learned counsel for the petitioners submits that as per judgment of Apex Court in Mahavir Prasad Gupta Vs. State of NCT of Delhi (2000(8) SCC 115), the present writ petition is not maintainable, and seeks permission of the Court to withdraw the petition with a liberty to file quash proceedings.

Permission is accorded.

Accordingly, the writ petition is dismissed as withdrawn, granting liberty to the petitioners to file quash proceedings. No costs.

N.V. RAMANA, J

Date: 22-07-2004

Svv

To

1 The Secretary to Government of Andhra Pradesh, Home Department,
Secretariat, Hyderabad.

2 The Inspector of Police, Musheerabad Police Station, Hyderabad.

3 Two CCs. to Govt. Pleader for Home, High Court Buildings, A.P.,
Hyderabad (OUT)

4 Two CD copies.